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United States of America
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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JORGE OMAR ARREDONDO-GARCIA,
15 GREGORIO ONTIVEROS VERDUGO,
16 JOSE MANUEL ONTIVEROS VERDUGO,
ALBERTO NAVARRO ZAPATA, and
WILFREDO F. REYES,
17
18 Defendants.

CASE NO. 2:23-CR-00162-DAD
STIPULATION AND JOINT REQUEST FOR
PROTECTIVE ORDER; [PROPOSED]
PROTECTIVE ORDER

19
20 **I. STIPULATION FOR PROPOSED PROTECTIVE ORDER**

21 1. Defendants are charged in this matter with violations of 21 U.S.C. §§ 846, 841(a)(1) –
22 Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine; 21 U.S.C. § 841(a)(1)
– Possession with Intent to Distribute Methamphetamine; 21 U.S.C. § 841(a)(1) – Distribution of
24 Methamphetamine; 21 U.S.C. § 841(a)(1) – Distribution of Heroin; and 21 U.S.C. § 843(b) - Use of a
25 Communication Facility to Facilitate a Drug Trafficking Offense. Defendants ARREDONDO-
26 GARCIA, J. VERDUGO, and ZAPATA are currently detained pending trial.

27 2. Upon receipt of a discovery request, the United States will produce documents and other
28 materials pertaining to the defendant and the charged offenses to defense counsel. The discovery to be

1 provided includes documents or other materials falling into one or more of the following categories
2 (collectively, "Protected Information"):

3 Definitions

4 3. The parties agree to the following definitions:

- 5 a. "CI Materials" includes any information relating to a confidential informant's or
6 cooperating witness's prior history of cooperation with law enforcement, prior criminal
7 history, statements, or any other information that could be used to identify a confidential
8 informant or cooperating witness, such as a name, image, address, date of birth, or unique
9 personal identification number, such as a Social Security number, driver's license
10 number, account number, or telephone number.
- 11 b. For the purpose of this Protective Order, "PII Materials" includes any information that
12 can be used to identify a person (excluding defendant's own name, the name of any co-
13 defendant publicly named in an Indictment in the Eastern District of California, and the
14 name of any law enforcement officer participating in the investigation or preparation of
15 reports produced by the government as part of the discovery materials), including a name,
16 address, date of birth, Social Security number, driver's license number, telephone
17 number, account number, email address, or personal identification number.

18 Terms of the Protective Order

19 4. The United States will identify discovery materials as Protected Information by marking
20 such materials "CONFIDENTIAL—SUBJECT TO PROTECTIVE ORDER" or by providing written
21 notice identifying discovery materials as Protected Information. The government shall exercise
22 reasonable care in determining which discovery materials should be designated as Protected Information
23 in order to avoid the over-designation of discovery materials as Protected Information.

24 5. To ensure that Protected Information is not subject to unauthorized disclosure or misuse,
25 defense counsel, their investigators, assistants, employees, and independent contractors (collectively,
26 "the Defense Team") may review with the defendant all discovery material produced by the
27 government, but shall not provide a defendant with copies of, or permit defendant to make copies of, or
28 have unsupervised access to any discovery material produced by the government that contains Protected

1 Information, unless the Protected Information has first been **entirely redacted** from the discovery
2 materials. The government and defense counsel are ordered to work together to ensure that these
3 materials are protected, but that defendant has as much access to the materials as can be provided
4 consistent with this Court's order. Discovery material that clearly pertains to a specific defendant and
5 does not contain Protected Information regarding any other person (*e.g.*, defendant's own bank records,
6 telephone records, and business records) may be provided to that defendant unredacted.

7 6. The Defense Team may show witnesses Protected Information in the course of preparing
8 a defense for trial or any related proceedings in this case, but only if (i) the witness, by reason of their
9 participation in the underlying events or conduct, would have seen or had reason to know such
10 information, or (ii) it is otherwise relevant to the defense of the case that the Defense Team discuss with
11 or show the witness Protected Information. Witnesses may only view Protected Information in the
12 presence of the Defense Team. No witness or potential witness may retain copies of discovery material
13 that contains Protected Information after his or her review of those materials with the Defense Team is
14 complete.

15 7. Defense counsel may also provide unredacted copies of Protected Information to any
16 experts retained to assist with the preparation of the defense in the captioned case. The defendant, all
17 members of the Defense Team, and any experts who receive Protected Information under this Order
18 shall be provided a copy of this Order along with those materials and shall sign and date the order
19 reflecting their agreement to be bound by it.

20 8. The Defense Team shall maintain Protected Information safely and securely, and shall
21 exercise reasonable care in ensuring the confidentiality of those materials by not divulging the contents
22 or permitting anyone to see Protected Information except as set forth in this Protective Order.

23 9. The materials provided pursuant to this protective order may only be used for the specific
24 purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

25 10. This Order shall also apply to any copies made of any materials covered by this Order.

26 11. If a party files a pleading that contains or attaches Protected Information subject to this
27 Order, the Protected Information must be filed under seal (accompanied by a request to file under seal)
28 and redacted from the public filing, unless otherwise ordered by the Court.

1 12. After any judgment or disposition has become final and there are no pending
2 proceedings, challenges, appeals, or habeas motions in the case, counsel for defendant shall either
3 destroy discovery materials containing Protected Information (including any copies) within 30 days if
4 the defendant consents to such destruction, or retain the Protected Information and ensure that the
5 Protected Information will continue being kept under the conditions specified in this Order. After the
6 statutory period for filing a motion under 28 U.S.C. § 2255 has expired, the United States is free to
7 destroy documents and materials subject to this Order. If defendant is represented by counsel and files a
8 motion pursuant to 28 U.S.C. § 2255, the United States will provide counsel with the documents and
9 materials subject to this Protective Order under the terms of this Order.

10 13. In the event that there is a substitution of counsel prior to when such documents must be
11 returned, new defense counsel must be informed of, and agree in writing to be bound by, the
12 requirements of the Protective Order before the undersigned defense counsel transfers any Protected
13 Information to the new defense counsel. New defense counsel's written agreement to be bound by the
14 terms of the Protective Order must be returned to the Assistant U.S. Attorney assigned to the case. New
15 defense counsel then will become the Defense Team's custodian of materials designated subject to the
16 Protective Order and shall be bound by this Order.

17 14. This stipulation is without prejudice to either party applying to the Court to modify the
18 terms of any protective order. This Court shall retain jurisdiction to modify this Order upon motion of
19 either party even after the conclusion of district court proceedings in this case.

20 IT IS SO STIPULATED.

21 Dated: September 19, 2023

PHILLIP A. TALBERT
United States Attorney

23 By: /s/ Adrian T. Kinsella

24 Adrian T. Kinsella
Assistant United States Attorney

26 Dated: September 19, 2023

/s/ J. Patrick McCarthy

27 J. Patrick McCarthy
Counsel for Defendant
Jorge Omar Arredondo-Garcia

1 Dated: September 19, 2023

/s/ Dina Santos

Dina Santos
Counsel for Defendant
Gregorio Ontiveros Verdugo

4 Dated: September 19, 2023

/s/ Rachelle Barbour

Rachelle Barbour
Assistant Federal Defender
Counsel for Defendant
Jose Manuel Ontiveros Verdugo

8 Dated: September 19, 2023

/s/ Tasha P. Chalfant

Tasha P. Chalfant
Counsel for Defendant
ALBERTO NAVARRO ZAPATA

11 Dated: September 19, 2023

/s/ Michael D. Long

Michael D. Long
Counsel for Defendant
WILFREDO REYES

15 [PROPOSED] ORDER

16 The Court, having read and considered the Stipulation and Joint Request for a Protective Order,
17 which is incorporated by reference into this Order in full, hereby finds that GOOD CAUSE exists
18 pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure to enter the above Order.

19 IT IS SO FOUND AND ORDERED this 19th day of September , 2023.

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ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE